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APPLICATION NO.	FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/809,068 03/25/2004		03/25/2004	Vincent Mutel	20856US2	6997	
151	7590	10/21/2004		EXAMINER		
		OCHE INC.	AULAKH, CHARANJIT			
PATENT LAW DEPARTMENT 340 KINGSLAND STREET				ART UNIT	PAPER NUMBER	
NUTLEY, 1	NJ 07110	07110		1625		
				DATE MAILED: 10/21/2004	DATE MAILED: 10/21/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Charmit S. Aulakh Lat Unit Lat Unit		Application No.	Applicant(s)					
Charanjit S Aulakh 1625 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified dove is loss than this; (30) cays, as reply within the stitutiony minimum of him; (30) days will be considered sinely. If the period for reply specified dove is loss than this; (30) cays, as reply within the stitutiony minimum of him; (30) days will be considered sinely. If the period for reply specified dove is loss than this; (30) cays, as reply within the stitutiony minimum of him; (30) days will be considered sinely. If the period for reply specified some, the manimum datarray period will apply and will express (31) MONTHS from the mailing date of his communication. Any reply received by the Office later than there months after the mailing date of this communication, even if through filled, may reduce any seemed application and juntiment. A possible of Citain Single of the second of the communication is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims A) Claim(s) 1-11 is/are pending in the application. 4) Claim(s) 1-12 is/are allowed. 5) Claim(s) 1-12 is/are allowed. 6) Claim(s) 1-12 is/are allowed. 7) Claim(s) 1-12 is/are allowed. 8) Claim(s) 1-12 is/are allowed. 9) The specification is objected to by the Examiner. 10) The drawing(s) filled on 1-12 is/are: allowed. 10) The drawing(s) filled on 1-13 is/are: allowed. 10) Claim(s) 1-12 is/are allowed. 10) The drawing(s) filled on 1-13 is/are: allowed. 10) Claim(s) 1-12 is/are allowed.		10/809,068	MUTEL ET AL.					
- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Expansions for manybe switching under the processors of 2 CER 1.136(a), in a event, however, may a reply to brinely filled If the period for reply specified above is less then thinty (30), days, in a ley within the stitutiony minimum of hinty (30), days, will be considered timely. If the period for reply specified above is less then thinty (30), days, in a ley within the stitution of hinty (30), days, will be considered timely. If the period for reply specified above is less than thinty (30), days, will be considered firely. If the period for reply specified above is less than thinty (30), days, will be considered firely. If the period for reply specified above is less than thinty (30), days, will be considered firely. If the period for reply specified above is less than thinty (30), days, will be considered firely. If the period for reply is period to reply specified above is less than the reply days and the specified above the reply shall be considered firely. If the period for reply specified above is less than thinty (30), days, will be considered firely. If the period for reply specified above is less than thinty (30), days, will be considered firely. If the period for reply specified above is less than thinty (30), days, will be considered firely. If the period for reply specified above is less than thinty (30), days, will be considered firely. If the period for reply specified above is less than thinty (30), days, will be considered firely. If the period for reply specified above is less than thinty (30), days, will be considered firely. If the period for reply specified above is less than thinty (30), days, will be considered firely. If the period for reply specified above is less than thinty (30), days, each service in the specified above is less than thinty	Office Action Summary	Examiner	Art Unit					
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1) Responsive to communication(s) filed on	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any 							
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s)	Status							
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6) Claim(s) 1-8 is/are rejected. 7) Claim(s) 9-11 is/are objected to. 8) Claim(s) 9-11 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 10/093,790. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) All b Interview Summary (PTO-413) Paper No(s)/Mail Date Paper No(s)/Mail Date Paper No(s)/Mail Date Paper No(s)/Mail Date Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)	4a) Of the above claim(s) is/are withdra	4a) Of the above claim(s) is/are withdrawn from consideration.						
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Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Attachment(s) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)	· ··							
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	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) 🔲 Notice of Informal I						

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DETAILED ACTION

1. Claims 1-11 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 3. Claim 2 recites the limitation "method" in claim 1. There is insufficient antecedent basis for this limitation in the claim.
- 4. Claims 3-7 recite the limitation "composition" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher (U.S. Patent 3,701,780, cited on applicants form 1449).

Fisher discloses Imidazopyridines having anthelmintic and fungicidal activity and pharmaceutical compositions containing these compounds. The pharmaceutical compositions containing exemplified compounds of examples 3, 7 and 8 disclosed by Fisher anticipate the instant claims when A represents a heteroaryl group in the instant compounds of formula I.

6. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Andreani (Eur. J. Med. Chem., cited on applicants form 1449).

Andreani discloses cardiotonic activity (pharmaceutical utility) of aryl- or pyridyl-substituted fused imidazoles. The compounds 3a, 3b and 3c (see page 339 and table

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111 on page 342) disclosed by Andreani anticipate the instant claims when A represents phenyl or heteroaryl group in the instant compounds of formula I.

7. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue (JP 11-116481, cited on applicants form 1449).

Inoue discloses pharmaceutical utility of Imidazolepyridine derivatives for treating autoimmune, viral and bacterial diseases. The compounds disclosed on pages 9-12 by Inoue anticipate the instant claims when A represents aryl group in the instant compounds of formula I.

8. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Raj (IN 179790).

Raj discloses novel 2-substituted imidazopyridines and their pharmaceutical utility for having antifertility activity. The compounds disclosed in examples 3 and 4 (see pages 4 and 5) anticipate the instant claims when A represents aryl group in the instant compounds of formula I.

9. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Raj (IN 179788).

Raj discloses novel 2-substituted imidazopyridines and their pharmaceutical utility for having antifertility activity. The compounds disclosed in examples 1-4 (see pages 4-6) anticipate the instant claims when A represents aryl group in the instant compounds of formula I.

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Allowable Subject Matter

10. Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571)272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charanjit S. Aulakh Primary Examiner Art Unit 1625